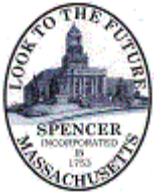


Conservation Commission – Town of Spencer



Minutes

Conservation Commission Meeting
Wednesday, June 25, 2014 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7 p.m.

Commissioners Present: Mary McLaughlin, Dana Reed, Warren Snow, John Haverty, James Bouley

Commissioners Absent: Margaret Emerson

Minutes Approved: May 28, 2014 – *A motion to approve the minutes as amended (Snow/Reed) passed 5/0.*
June 11, 2014 – Tabled until July 9, 2014

Signed: 4 Howe Road, Certificate of Compliance
1 Tom Casey Road, Certificate of Compliance
Briarwood Lane, Order of Conditions
25 Thompson Pond Road, Amended Order of Conditions
Brooks Pond, Amended Order of Conditions

7:15 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Doug Cutler

Property: 10 Sherman Grove, Spencer, MA DEP#293-0819

At the request of the applicant, the hearing has been continued to August 13, 2014.

7:18 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Doug Cutler

Property: 12 Sherman Grove, Spencer, MA DEP#293-0820

At the request of the applicant, the hearing has been continued to August 13, 2014.

7:20 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Kristian Rondeau

Property: 40 South Spencer Road, Spencer, MA DEP#293-0822

Ms. McLaughlin read the following report from Ms. Washburn:

They are living in a house without a Certificate of Occupancy. She was fined on 6/3/14 by the Zoning Enforcement Officer for stockpiling manure in the Aquifer Protection District. Ms. Washburn had asked Mark Farrell to bring her a revised plan by noon on 6/18/14, before she leaves for vacation.

Ms. Rondeau is comparing her situation to that of Bill Klansek when he built his house at 96 Wilson Ave.

At the site visit, the date of 8/15/14 was discussed as a possible deadline for seeding the area after stumps are pulled. If this deadline is not met, seeding with winter rye by 9/1/14 is recommended by the Natural Resources Conservation Service.

Steve Tyler will review the revised site plan and get his comments to the Commission before 6/25/14.

Ms. Rondeau has been issued a ticket by the Zoning Enforcement Officer for stockpiling manure in the Aquifer Protection Zone.

Steve Tyler will give you his comments regarding manure storage in the Aquifer Protection District. If manure storage is allowed, it needs to be according to guidelines issued by Lee Jarvis of the Board of Health. There needs to be an impervious surface under and surrounding the manure to prevent leachate from contaminating the Aquifer. No manure storage should be allowed in the buffer zone.

Mr. Farrell revised the plans. All stumps and debris will be removed from the property. The manure will be stored outside the buffer zone and spread throughout the pasture or will be removed from the site. Ms. McLaughlin told Mr. Farrell that a Special Permit must be obtained from the Zoning Board in order to store manure in the Aquifer Protection Zone.

The hearing has been continued to July 9, 2014.

7:47 p.m. Opened the Public Hearing for Notice of Intent for Glenn Snay
Property: Clark Road, Spencer, MA DEP#293-0828

The Commission did a site walk on June 20, 2014. Mr. Mark Farrell, from Green Hill Engineering, presented the plan. The project is for a single-family home with new septic system. Mr. Farrell noted on the plan that the closest point of work is 50 feet to the wetland. There is an intermittent stream on the property that runs into a pond. Clearing began without a permit. Straw wattles will be installed on the downhill side of the project. Below the wattles will be 50 feet of undisturbed woodland. Mr. Farrell tested for thresholds for stormwater and the results showed that there is no stormwater permit required.

A motion to close the public hearing (Reed/Haverty) passed 5/0.

A motion to accept plan as submitted (Snow/Bouley) passed 5/0.

Other Business:

1 Tom Casey Road: A Request for Certificate of Compliance was received on 6/17/14. An email from John Thomasian was received stating that the project was built in substantial compliance with the plans. Ms. Washburn inspected on 6/18/14. Photos are in the file. There were no issues at this time. Ms. Washburn recommended issuing a Certificate of Compliance. *A motion to issue the Certificate of Compliance (Snow/Bouley) passed 5/0.*

4 Howe Road: A Request for Certificate of Compliance was received on 6/17/14. A statement from John Thomasian was received that the project was built in substantial compliance with the plans. The Commission did a site visit on 6/20/14. *A motion to issue the Certificate of Compliance (Reed/Bouley) passed 5/0.*

96 Wilson Avenue: A Request for Certificate of Compliance was received on 6/17/14. No statement from Bertin Engineering regarding the as-built project being in compliance with the plan has been received as of 6/18/14.

78 Donnelly Road: A complaint was received on 6/17/14. Mr. Reed and Ms. Washburn inspected on 6/18/14. Fill (5-6 yards) was deposited with no ESCs at the driveway entrance to keep large logging trucks from tipping over. This fill is apparently in the buffer zone to a wetland in a depression where Ms. Washburn observed cattails. Ms. Susan Sabacinski (property owner) had referred to it as a vernal pool, which may be correct. About 250 feet down the driveway, some trees and bushes were cut, apparently in the buffer zone to the same wetland.

A very large clear-cut (Ms. Washburn estimates at least an acre) on some extremely steep slopes was observed behind the house. Photos are in the file. Obviously, logging was done and heavy equipment operated in portions of an intermittent stream channel, and in BVWs. The work appears to have disrupted the course of an unmapped intermittent stream that flows (or used to flow) into a mapped intermittent stream that is shown on the assessor's GIS map for the subject property. A logging road was made right up to the edge of the mapped stream. See GIS maps in the file.

Ms. Washburn recommended that the wetland resource areas need to be delineated with a deadline given for the delineation report from a wetland scientist, a restoration plan for impacted resource areas, and to file a NOI. If the owners agree to do this then the Commission could give them a chance to cooperate by a deadline. If they fail to cooperate, an enforcement order and/or fines will be forthcoming. All proposed work in buffer zones needs to be shown on the NOI plan. The Order of Conditions will serve as the Stormwater Permit.

The Commission gave the owners until August 27, 2014 to give an update of their progress, if they have not already filed a NOI by that date. The Commission told the owners to make sure they tell their Engineer all proposed work they want to do on the property.

Site Visits: The Commission will do site visits on Tuesday, July 8th at 2:30 p.m.

New Applications: Brooks Pond Dam Repair, NOI
 25 Oakland Drive, RDA, Hubert
 101 Clark Road, RDA, Hall

A motion to adjourn the meeting at 8:30 p.m. (Bouley/Snow) passed 5/0.

Respectfully submitted by:

Lisa Daoust, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 6/25/14 Spencer Conservation Commission meeting:

Agenda for the 6/25/14 meeting
Minutes from the 5/28/14 Conservation Commission meeting (approved as amended)
Margaret's report dated 6/25/14
Continuance form for 10 and 12 Sherman Grove (signed)
Certificate of Compliance for 1 Tom Casey Road (signed)
Certificate of Compliance for 4 Howe Road (signed)
Order of Conditions for Briarwood Lane (signed)
25 Thompson Pond Road, Amended Order of Conditions (signed)
Brooks Pond, Amended Order of Conditions (signed)
NOI file for Clark Road (Snay)
Assessor's GIS maps, inspection report and photographs dated 6/18/14 for 78 Donnelly Road
E-mail from Steve Tyler re: 40 South Spencer Road
Article 3 from the Spencer Zoning Bylaw re: storage of animal manure
E-mail from MA DEP re: Revocation of Determination for James Gardner, Jolicoeur Avenue